

strongly advised me not to take it. I drafted the letter of 7th June myself, no indication to it. I think I must have sent it on the 9th as Mr. Wick's letter is dated the 9th (this letter turned out to be dated the 7th). The letter sent to Mr. F. Smith was drafted by myself, and submitted to Mr. Wick who made no alteration. Mr. Wick went away and afterwards sent me and asked if I had sent it; I said I had. He then told me he was going to write a letter to Mr. F. Smith. This he did and handed it to Mr. F. Smith's office in the morning. Nothing had been said about Mr. Baile before the agreement. The words Mr. Wick added were that the cost would be quite \$400 a month to produce the paper. I had made an estimate before this, I had gone into particulars. I had Mr. F. Smith's assistance, my foreman printer, \$200 was to be the outside cost. In that was included rent to the amount of \$25. I afterwards reduced the estimate to \$150. This I thought would cover all the expenses. The statement produced in a correct one for the production of the paper in July. That did not include rent. The room occupied by Mr. F. Smith was formerly a spare room occupied by Mr. Smith had put me to no personal inconvenience. I have engaged no new men. The other hands help for an hour or an hour and a half. I could not find any. I saw Mr. Wick on the morning of that day, it was about 7 or 8 o'clock in the morning. The paper was not printed at that time. Mr. Wick sent his boy for me. I was not in the office at that time. The compositor told me and I then went round to Mr. Wick's office. He told me that he had heard that an article against him was to be published that day. He gave me to understand that he was going to reply. I had not communicated to him that that article was to be published. Mr. Wick said that Mr. R. Smith had told him. I believe that Mr. R. Smith told him that he had told Mr. Wick. Mr. Wick asked me to write a letter to them and drafted a letter for me. That draft was destroyed by Mr. Wick. My presence. It contained a statement that I was losing by my contract, that I could not afford it, since I had a large family depending on me, they numbering about twenty odd. The letter mentioned about the cost of the paper. I am not sure what amount was. By the writing of this letter Mr. Wick told me I would derive much benefit. I did not then do so. I told him to leave it. I showed it to my partner Mr. Lubeck and Mr. Francis. I remained in Mr. F. Smith's room during the whole of that day.

Mr. Francis said that Mr. Wick was in a state of great excitement on this day, urging this man to sign a false and lying letter for the purpose of doing injury to Mr. Francis Smith.

Mr. Hayler: Be careful.

Witness: I did not wish to meet him.

Mr. Francis: There is no shame on Mr. de Souza's part. We shall soon find out where the shame is.

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The Court then rose for fifteen.

On the Court resuming.

J. E. Baile: I am a printer; I have served the usual 7 years, in all about 30 years. I have been in the *Daily Press* for nearly 60 years.

Witness: Yes. Wick and myself went down below.

Mr. Hayler objected to a question as to what happened between Mr. Wick and witness down below.

Mr. Francis submitted that as they alleged the truth of the article, the allegation was that there was a conspiracy to do so, and any act up to the trial would go to prove the conspiracy.

The Judge allowed the question subject to the objection.

Examination resumed.—Mr. Wick asked me to return the draft. He did not again ask me to sign it. I returned the letter and he destroyed it. He remained for some time. He was speaking to himself. He did not ask me to do anything else then. He said he had an excellent idea of the article. I wrote the paper produced at the dictation of Mr. Wick. (This was the letter stating that Mr. Souza had first asked Mr. Wick to look over the agreement.) I see the word consequently at the end of the letter is struck through. Mr. Wick wished me to express an opinion about the article. This I refused to do. This was written on the evening of the 2nd August on a second visit by Mr. Wick. He asked me if I remembered that I first asked him to look over the agreement. I said I did. He asked me then what was the result. He told me that Mr. Wick had made a different statement to Mr. Francis Smith, as conversation between two gentlemen was utterly inadmissible. There might be a conspiracy between them for all he knew.

Examination resumed.—I signed the letter willingly and handed it to Mr. Wick. I was somewhat frightened but I gave it willingly (letter put in). Mr. Lubeck was not present while Mr. Wick was talking in an excited manner. Mr. Wick sent the printer on the 6th. I went to see him on the Monday. He spoke to me about an article to be published. I asked him who told him, and he said Mr. Baile. Since this action was commenced Mr. Wick has been to me several times. He talked of matters quite irrelevant to this case. He did speak about the case. He talked to me about the case yesterday morning. About the proposed publication of *Nova* I never saw Mr. Wick. My estimate was \$150 with \$25 for the rent of the room. I was also to keep their accounts and collect their bills.

Cross-examination.—With the exception of a few months' interruption, when I was at Pusan's and at the Cosmopolitan Dock, I have been connected with the printing business since 1870. I am quite a young man; 21 years old last June. When Mr. Wick came to see me on the evening which has been already referred to, I had a large number of my late father's private and business papers before me. I told Mr. Wick that my father had a very great objection to printing a newspaper because he lost \$1,000 by the *Eco de Povo*. He got into a libel suit and it cost him \$10,000. I know nothing whatever about the law of libel; have not the least idea of it. I do not know anything of the liabilities of a printer in the case of libel in a newspaper.

Mr. Wick said that he was very greatly prejudiced, after he lost so much, against undertaking the printing of any newspaper whatever. I also said that some of my friends, all the members of my family whom I had acquainted, said many of my friends both here and at Hongkong advised me against having anything to do with the printing of the paper.

Your father, Mr. Souza, was a very highly respected gentleman and well-known here. Mr. Wick was a friend of your father's. Mr. Wick and my father knew each other for many years and were very good friends. They were very good friends. I saw Mr. Wick and my father together many times, and he has all along taken a very kindly interest in my affairs, and whenever he met me

he asked me about my affairs. It seemed to me quite in the ordinary course that he should ask me about the paper. I had not made up my mind the first time he came up, I was not much inclined for it. When I gave him the agreement I did not show him the correspondence with Mr. Francis Smith. I was present at the interview on the 7th. I had written a letter to Mr. Wick that morning asking him to come and see me, and in it I told him that Mr. Smith had been threatening me with a prosecution. I told him afterwards, I was young and inexperienced. I was of age only that day. I was a little frightened and wanted to see Mr. Wick so that I might have his advice and protection. On the following day I went to Mr. Francis and he drafted the letter which I gave to Mr. Francis Smith. I copied Mr. Francis' draft and signed it.

